

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

DONALD C. HUTCHINS,	)	Civil Action 04-30126-MAP
	)	
Plaintiff,	)	Judge Michael A. Ponsor
	)	
v.	)	
	)	
CARDIAC SCIENCE, INC., <u>et al.</u> ,	)	
	)	
Defendants.	)	

**DEFENDANT COMPLIENT CORPORATION'S MOTION TO STRIKE  
UNAUTHORIZED AMENDED COMPLAINT**

Defendant, Compliant Corporation, pursuant to Federal Rules of Civil Procedure 12(f) and 15(a), hereby moves this Court for an Order striking the unauthorized Amended Complaint that Plaintiff, Donald Hutchins, filed on August 2, 2006. Hutchins failed to seek the required leave of Court for this filing. Moreover, leave is not proper in this case because it would be futile. Hutchins' new "conspiracy" claim, as stated in the Amended Complaint, fails to state a claim upon which relief may be granted. A Memorandum in Support of this Motion is attached hereto and incorporated herein.

Respectfully submitted,

s/ Jeffrey J. Lauderdale

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